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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE USA, INC., *et al.*,
Plaintiffs,
v.
SAP AG, *et al.*,
Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**PLAINTIFFS' ADMINISTRATIVE
MOTION TO PERMIT PLAINTIFFS
TO FILE UNDER SEAL
DEFENDANTS' INFORMATION
SUPPORTING PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Case No. 07-CV-01658 PJH (EDL)

Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited and Siebel Systems, Inc. (“Plaintiffs”) and Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc. (“Defendants,” and together with Plaintiffs, the “Parties”) request that the Court order the Clerk of the Court to file under seal, at Defendants’ request, (1) Excerpts from Defendants’ document entitled “SAP AG, Fair Value of Certain Assets, Liabilities and Legal Entities of Business Objects S.A. As of January 21, 2008,” produced in this litigation as Bates Numbers SAP-OR 00802513-517 and attached as Exhibit 44 to the Declaration of Paul K. Meyer in Support of Plaintiffs’ Opposition to Defendants’ Motion for Partial Summary Judgment (“Meyer Declaration”), as well as the corresponding text in Paragraph 40(b) of the Meyer Declaration; and (2) Portions of Plaintiffs’ Opposition to Defendants’ Motion for Partial Summary Judgment Regarding Plaintiffs’ Hypothetical [Fair Market Value] License Damages at 22:13-14 and Portions of the Declaration of Lawrence Ellison at 3:21-23 referencing payments made pursuant to the database reseller’s agreement between the parties. Plaintiffs lodged copies of this material with the Court on September 23, 2009.

The requested relief sought is necessary and narrowly tailored to protect the alleged confidentiality of the content of Defendants’ information put at issue by Plaintiffs’ Opposition. This request is supported by the Declaration of Zachary Alinder in support of Plaintiffs’ Administrative Motion to Permit Plaintiffs to File Under Seal Defendants’ Information Supporting Plaintiffs’ Opposition to Defendants’ Motion for Partial Summary Judgment and is accompanied by a proposed order and stipulation.

DATED: September 23, 2009

BINGHAM McCUTCHEN LLP

By: /s/ Zachary Alinder

Attorneys for Plaintiffs
Oracle USA, Inc.,
Oracle International Corporation, Oracle EMEA
Limited, and Siebel Systems, Inc.